

REMARKS

In view of the following remarks, reconsideration of the rejections contained in the Office Action of July 13, 2005 is respectfully requested.

In view of the amendment filed February 16, 2005, claims 5-14 are presently pending in this application, including independent claim 5. In the outstanding Office Action, the Examiner rejected claims 5, 6, 9 and 10 as being anticipated by the Ono reference (JP 409116709A); rejected claim 7 as being unpatentable over the Ono reference in view of the Wang reference (US Application Publication 2003/0007141); and rejected claims 8 and 11-14 as being unpatentable over the Ono reference in view of well-known prior art.

As noted above, the Wang reference is a U.S. patent application publication, and was published on January 9, 2003 based on an application filed July 3, 2001. On the other hand, the present application was filed April 30, 2001 (i.e., *before* the filing date of the application on which the Wang reference is based). Although the present application was initially filed in a foreign language, MPEP § 608.01 IV explains that the USPTO “will accord a filing date to an application meeting the requirements of 35 U.S.C. § 111(a) . . . even though some or all of the application papers, including the written description and the claims, is in a language other than English and hence does not comply with 37 C.F.R. 1.52.” In order to be accorded the filing date, this section of the MPEP further explains that an English translation of the non-English language papers, a statement that the translation is accurate, and the necessary fee must be filed within the time set by the Office. In this regard, a verified English translation of the present application was timely filed on August 16, 2001 in response to a Notice to File Missing Parts mailed by the USPTO on June 20, 2001. Consequently, it is respectfully submitted that the present application has a U.S. filing date of April 30, 2001, which is earlier than the publication date and the filing date of the Wang reference. As a result, it is submitted that the Wang reference does not qualify as prior art under 35 U.S.C. § 102, and the Examiner is respectfully requested to withdraw the Wang reference.

Furthermore, on page 4 of the Office Action, the Examiner acknowledged that the Ono reference does not disclose the subject matter of dependent claim 7. Although the Examiner

asserted that the Wang reference discloses this subject matter, the Wang reference does not qualify as prior art with respect to this application, as explained above. Therefore, in view of the Examiner's acknowledgment that the Ono reference does not disclose the subject matter recited in claim 7, and because the other references of record also do not disclose or suggest the subject matter, it is respectfully submitted that dependent claim 7 is allowable over the prior art of record.

In view of the above, the Examiner is respectfully requested to issue a new Office Action indicating, at the least, the allowability of dependent claim 7. If the Examiner has any questions regarding any of the above matters, however, the Examiner is respectfully requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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October 13, 2005